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Richard J. Donald

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EXAMINER

BRANDT, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

09/12/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/759,597

Applicant(s)

DONALD ET AL.

Examiner

Christopher M. Brandt

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-22, 30-50, 53-59, 61-72, 75-78, 80-83, 85-88 and 95-97 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-22, 30-50, 53-59, 61-72, 75-78, 80-83, 85-88 and 95-97 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed on February 5, 2005 and March 30, 2007 have been considered by the examiner and made of record in the application file.

### ***Response to Amendment***

This Action is in response to applicant's amendment filed on June 19, 2007.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10,12-22,30-50,53-59,61-72,75-78,80-83,85-88 and 95-97 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 53 (and its dependencies)** is rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory matter under 35 USC 101.

**Claim 53**, claims the non-statutory subject matter of a program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held nonstatutory). Therefore, since the claimed programs (i.e., carrier medium) are not tangibly

embodied in a physical medium and encoded on a computer-readable medium, the Applicants have not complied with 35 USC 101.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-10, 13-15, 17-18, 21-22, 30-45, 48-50, 53-59, 61-63, 65, 68-72, 75-78, 80-83, 85-89, and 95-97 are rejected under 35 USC 103(a) as being unpatentable over Rukman (US**

**PGPUB 2004/0185883 A1)** in view of **Walsh et al. (US PGPUB 2003/0114174, hereinafter Walsh)** and further in view of **MACLEOD BECK et al. (US PGPUB 2001/0025309 A1, hereinafter Beck).**

Consider **claim 1 (and similarly applied to claims 30, 53, and 85).** Rukman discloses a method for displaying a plurality of related SMS (Short Message Service) messages comprising (paragraph 45):

reviewing a plurality of SMS messages associated with a first party (paragraphs 14, 28, 32, 42, read as gateway 113 receives reply message 311 and analyzes "To" information 312 to determine how to route the message. Fig. 4 illustrates a series (i.e. plurality) of messages and replies);

determining whether to thread by applying a single parameter to an incoming SMS message and a applying a single parameter to an outgoing SMS message, the one or more SMS messages from the plurality of SMS messages into an SMS message thread, the one or more SMS messages also associated with a second party (paragraph 42, gateway 113 recognizes the pseudo telephone number and determines which previous messages are associated with the pseudo telephone number. Gateway 113 preferably maintains a list or database that tracks which incoming and outgoing messages have been associated with the pseudo telephone number) ; and

displaying the SMS message thread (paragraph 45, read as device 104 can organize and thread messages 301 and 315 with any other related messages for **display** to the user).

Rukman discloses the claimed invention except he does not explicitly teach **outputting** (Rukman discloses threading messages with any other related messages for **display** to the user, paragraph 45).

However, Walsh discloses **outputting** (paragraphs 18-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method of Rukman in order to be able to output the message thread (paragraphs 18, 19).

In addition, Rukman as modified by Walsh fail to disclose applying a set of incoming SMS message rules to incoming SMS message and applying a set of outgoing SMS message rules to outgoing SMS messages (Rukman discloses by applying a single parameter to an incoming SMS message and a applying a single parameter to an outgoing SMS message, the one or more SMS messages from the plurality of SMS messages into an SMS message thread (paragraphs 28, 33-34, 47)).

However, Beck discloses applying a set of incoming SMS message rules to incoming SMS message and applying a set of outgoing SMS message rules to outgoing SMS messages (paragraph 159, read as dialog may be threaded according to a wide variety of business rules. An identifier is assigned to an entity and to all the communication events to or from the entity. To or from is read as incoming or outgoing).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Beck into the invention of Rukman as modified by Walsh in order to organize and store all interactions (paragraph 159).

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Consider **claim 2 and as applied to claim 1**. Rukman discloses the method wherein at least one of the SMS messages associated with the second party comprises a reply message (paragraphs 27, 28).

Consider **claim 3 and as applied to claim 1**. Rukman discloses the method wherein at least one of the SMS messages associated with the second party comprises a message other than a reply message (27, 28).

Consider **claim 4 and as applied to claim 1**. Rukman discloses the method wherein the determining whether to thread further comprises: searching the one or more SMS messages based on a first identifier associated with the second party (paragraph 35).

Consider **claim 5 and as applied to claim 4**. (paragraph 35) discloses the method wherein the first identifier comprises a telephone number.

Consider **claim 6 and as applied to claim 4**. Rukman and Walsh disclose the method wherein the first identifier comprises one from the group of a telephone number and an SMS address (Walsh; paragraphs 22, 60).

Consider **claim 7 and as applied to claim 4**. Rukman and Walsh disclose the method further comprising: storing the plurality of SMS messages associated with the first party in a persistent storage device (Walsh; paragraph 18).

Consider **claim 8 and as applied to claim 1**. Rukman and Walsh disclose the method wherein the first party is a sender of one of the second party SMS messages and the second party is the receiver (Walsh; paragraph 21).

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Consider **claim 9 and as applied to claim 1**. Rukman and Walsh disclose the method wherein the first party is a receiver of one of the second party SMS messages and the second party is the sender (paragraph 21).

Consider **claim 10 and as applied to claim 1**. The combination of Rukman and Walsh disclose the method further comprising: receiving a current SMS message from the second party; and determining whether to thread the current message into the SMS message thread.

Consider **claim 12 and as applied to claim 1**. Rukman, Walsh, and Beck disclose the method wherein the set of incoming SMS message rules or the set of outgoing SMS message rules includes determining whether to thread a rule to prevent threading if the second party is a non-threaded party (paragraph 50).

Consider **claim 13 and as applied to claim 12**. Rukman, Walsh, and Beck disclose the method wherein the non-threaded party comprises a broadcasting party (paragraph 50).

Consider **claim 14 and as applied to claim 1**. Rukman, Walsh, and Beck disclose the method wherein the set of incoming SMS message rules or the set of outgoing message rules includes a rule verify the second party as a threaded party (paragraph 50).

Consider **claim 15 and as applied to claim 14**. Rukman and Walsh disclose the method wherein the verification rule verifies the second party if the second party matches an entry in a phone book (Walsh; paragraphs 23, 74).

Consider **claim 17 and as applied to claim 1**. Rukman discloses the method wherein correlating further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules including a rule to define the order in which SMS messages are threaded (paragraph 33).



Consider **claim 18 and as applied to claim 1**. Rukman and Walsh disclose the method wherein the outputting the SMS message thread comprises: outputting the SMS message thread to an SMS application for display in a threaded format (paragraph 45).

Consider **claim 21 and as applied to claim 18**. The combination of Rukman and Walsh disclose the method wherein outputting further comprises: formatting messages originated by the first party in a first display format; and formatting messages originated by the second party in a second display format.

Consider **claim 22 and as applied to claim 1**. Rukman discloses the method further comprising: displaying the SMS messages (paragraph 45).

Consider **claim 31 and as applied to claim 30**. Rukman discloses the device wherein one of the second party SMS messages comprises a reply message (paragraphs 27, 28).

Consider **claim 32 and as applied to claim 30**. Rukman discloses the device wherein the one of the second party SMS messages comprises a message other than a reply message (paragraphs 27, 28).

Consider **claim 33 and as applied to claim 30**. Rukman discloses the device wherein the threading module searches an SMS message database based on a first identifier associated with the second party (paragraph 35).

Consider **claim 34 and as applied to claim 33**. Rukman discloses the device wherein the first identifier comprises a telephone number (paragraph 35).

Consider **claim 35 and as applied to claim 33**. Rukman and Walsh disclose the device wherein the first identifier comprises an SMS address (Walsh; paragraphs 22, 60).

Consider **claim 36 and as applied to claim 33**. Rukman and Walsh disclose the device wherein the threading module retrieves a second identification for the second party, wherein the SMS message thread comprises SMS messages associated with both the first and second identifications (paragraphs 33, 35).

Consider **claim 37 and as applied to claim 30**. Rukman and Walsh disclose the device wherein the first party is a sender of one of the second party SMS messages and the second party is the receiver (paragraph 21).

Consider **claim 38 and as applied to claim 30**. Rukman and Walsh disclose the device wherein the first party is a receiver of one of the second party SMS messages and the second party is a sender (paragraph 21).

Consider **claim 39 and as applied to claim 30**. The combination of Rukman and Walsh disclose the device wherein the threading module receives a current SMS message from the second party, and determines whether to thread the current message into the SMS message thread.

Consider **claim 40 and as applied to claim 30**. Rukman, Walsh, and Beck discloses the device wherein the threading module further comprises a threading engine to apply to the set of incoming SMS message rules to incoming SMS messages and a set of outgoing SMS message rules to outgoing SMS messages (paragraph 33).

Consider **claim 41 and as applied to claim 30**. Rukman, Walsh, and Beck disclose the device wherein the threading module further comprises a threading engine to apply a set of incoming SMS message rules to define thread characteristics, the set of incoming SMS message

rules including a rule to prevent threading if the second party is a non-threaded party (paragraph 50).

Consider **claim 42 and as applied to claim 39**. Rukman, Walsh, and Beck disclose the device wherein the set of incoming SMS message rules define thread characteristics, wherein the set of incoming SMS message rules including a rule to verify the second party as a threaded party (paragraph 50).

Consider **claim 43 and as applied to claim 40**. Rukman and Walsh disclose the device wherein the verification rule verifies the second party if the second party matches an entry in a phone book (Walsh; paragraphs 22, 74).

Consider **claim 44 and as applied to claim 30**. Rukman, Walsh, and Beck disclose the device wherein the set of incoming SMS message rules or the set of outgoing message rules include a rule to prevent expired SMS messages from being threaded (paragraph 50).

Consider **claim 45 and as applied to claim 30**. Rukman, Walsh, and Beck disclose the device wherein the set of incoming SMS message rules or the set of outgoing SMS message rules includes a rule to define the order in which SMS messages are threaded (paragraph 33).

Consider **claim 48 and as applied to claim 30**. Rukman and Walsh disclose the device further comprising: a PDA (Personal Digital Assistant) to display the SMS messages (paragraph 14).

Consider **claim 49 and as applied to claim 30**. Rukman and Walsh disclose the device further comprising: a message device to display the SMS messages (paragraph 14).

Consider **claim 50 and as applied to claim 30**. Rukman discloses the device further comprising: a mobile device to display the SMS messages (paragraph 45).

Consider **claim 54 and as applied to claim 53**. Rukman discloses the computer product wherein at least one of the SMS messages associated with the second party comprises a reply message that has yet to be transmitted (27, 28).

Consider **claim 55 and as applied to claim 53**. Rukman discloses the computer product wherein at least one of the SMS messages associated with the second party comprises a message other than a reply message (paragraphs 27, 28).

Consider **claim 56 and as applied to claim 53**. Rukman discloses the computer product wherein the identifying comprises: searching the one or more SMS messages based on a first identifier associated with the second party (paragraph 35).

Consider **claim 57 and as applied to claim 56**. Rukman discloses the computer product wherein the first identifier comprises a telephone number (paragraph 35).

Consider **claim 58 and as applied to claim 56**. Rukman and Walsh disclose the computer product wherein the first identifier comprises an SMS address (Walsh; paragraphs 22, 60).

Consider **claim 59 and as applied to claim 53**. Rukman discloses the computer product further comprising: retrieving a second identification for the second party, wherein the SMS message thread comprises SMS messages associated with both the first and second identifications (paragraphs 33, 35).

Consider **claim 61 and as applied to claim 53**. Rukman, Walsh, and Beck discloses the computer product wherein the incoming SMS message rules or the outgoing SMS message rules include a rule to prevent threading if the second party is a non-threaded party (paragraph 50).

Consider **claim 62 and as applied to claim 53**. Rukman, Walsh, and Beck discloses the computer product wherein the incoming SMS message rules or the outgoing SMS message rules include a rule to verify the second party as a threaded party (paragraph 50).

Consider **claim 63 and as applied to claim 62**. Rukman and Walsh disclose the computer product wherein the verification rule verifies the second party if the second party's unique identification matches an entry in a phone book (paragraph 22, 74).

Consider **claim 65 and as applied to claim 53**. Rukman, Walsh, and Beck discloses the computer product wherein the determining whether to thread further comprises: applying a set of SMS message rules to define thread characteristics, wherein the incoming SMS message rules or outgoing SMS message rules include a rule to define the order in which SMS messages are threaded (paragraph 33).

Consider **claim 68 and as applied to claim 1**. Rukman discloses the method further receiving and threading at least one MMS message (paragraph 35, 45).

Consider **claim 69 and as applied to claim 1**. The combination of Rukman and Walsh disclose the method further comprising receiving and threading at least one EMS message.

Consider **claim 70 and as applied to claim 1**. Rukman and Walsh discloses the method further comprising receiving and threading at least one message using a data protocol capable of encapsulating messages for transport between networked devices (paragraphs 48, 49).

Consider **claim 71 and as applied to claim 1**. Rukman and Walsh disclose the method wherein determining whether to thread is performed without user input (paragraph 74).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider **claim 72 and as applied to claim 1**. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Consider **claim 75 and as applied to claim 30**. Rukman discloses the device further comprising receiving and threading at least one MMS message (paragraph; 35, 45).

Consider **claim 76 and as applied to claim 30**. The combination of Rukman and Walsh disclose the device further comprising receiving and threading at least one EMS message.

Consider **claim 77 and as applied to claim 30**. Rukman discloses the device further comprising receiving and threading at least one message using a data protocol capable of encapsulating messages for transport between networked devices (paragraphs 48, 49).

Consider **claim 78 and as applied to claim 30**. Rukman and Walsh disclose the device wherein determining whether to thread is performed without user input (Walsh; paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider **claim 80 and as applied to claim 53**. Rukman discloses the computer product further comprising receiving and threading at least one MMS message (paragraphs 35, 45).

Consider **claim 81 and as applied to claim 53**. The combination of Rukman and Walsh disclose the computer product further comprising receiving and threading at least one EMS message.

Consider **claim 82 and as applied to claim 53**. Walsh discloses the computer product further comprising receiving and threading at least one message using a data protocol capable of encapsulating messages for transport between networked devices (paragraphs 48, 49).

Consider **claim 83 and as applied to claim 53**. Rukman and Walsh discloses the computer product wherein determining whether to thread is performed without user input (Walsh; paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider **claim 86 and as applied to claim 85**. Rukman discloses the method further comprising receiving and threading at least one MMS message (35, 45).

Consider **claim 87 and as applied to claim 85**. The combination of Rukman and Walsh disclose the method further comprising receiving and threading at least one EMS message.

Consider **claim 88 and as applied to claim 85**. Rukman and Walsh disclose the method wherein determining whether to thread is performed without user input (Walsh; paragraph 74).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Walsh into the method Rukman in order to facilitate replies to short text messages (paragraph 74).

Consider **claim 89 and as applied to claim 85**. Rukman discloses the method wherein determining whether to thread is performed in accordance with one or more threading rules (paragraph 33).

Consider **claims 95-97**. Rukman, Walsh and Beck disclose wherein outputting the SMS message thread comprises: displaying the SMS message thread on a screen of a mobile telephony device (Rukman; paragraph 45).

**Claims 16, 19, 46-47, 64, 66-67** are rejected under 35 USC 103(a) as being unpatentable over **Rukman (US PG PUB 2004/0185883 A1)** in view of **Walsh et al. (US PG PUB 2003/0114174)** in view of **MACLEOD BECK et al. (US PG PUB 2001/0025309 A1)** and further in view of **Kraft (US PG PUB 2001/0006889 A1)**.

Consider **claims 16 and 64 and as applied to claims 1 and 53, respectively**. Rukman, Walsh, and Beck disclose the claimed invention except they fail to explicitly teach wherein the correlating further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules comprises a rule to prevent expired SMS messages from being threaded.

However, Kraft discloses wherein the correlating further comprises: applying a set of SMS message rules to define thread characteristics, wherein the set of SMS message rules comprises a rule to prevent expired SMS messages from being threaded (paragraph 79, read as if the history is truncated from the end before saved).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kraft into the inventions of Rukman,



Walsh, and Beck in order truncate history so that outbox can support newer messages (not the oldest, paragraph 79).

Consider **claims 19, 47 and 67 and as applied to claims 18, 46, and 66, respectively.**

Rukman, Walsh, and Beck disclose the claimed invention except they fail to explicitly teach the device further comprising: the SMS application to display an icon to represent a threaded SMS.

However, Kraft discloses the device further comprising: the SMS application to display an icon to represent a threaded SMS (paragraphs 32, 60, read as an animating icon 103 presenting the application).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kraft into the inventions of Rukman, Walsh, and Beck in order for the user to recognize it (paragraph 32).

Consider **claims 46 and 66 and as applied to claims 30 and 53, respectively.** The combination of Rukman, Walsh, Beck and Kraft disclose the device wherein the threading module outputs the SMS message thread to an SMS application for display in a threaded format.

**Claim 20** is rejected under 35 USC 103(a) as being unpatentable over **Rukman (US PG PUB 2004/0185883 A1)** in view of **Walsh et al. (US PG PUB 2003/0114174)** in view of **MACLEOD BECK et al. (US PG PUB 2001/0025309 A1)** and further in view of **Kanefsky (US Patent 6,799,033 B2).**

Consider **claim 20 and as applied to claim 18.** Rukman, Walsh, and Beck disclose the claimed invention except wherein the SMS application is a network browser.

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However, Kanefsky discloses wherein the SMS application is a network browser (column 6 lines 21-29, read as mobile telephone text messaging operates on a messaging device within or through a browser).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Kanefsky into the methods of Rukman, Walsh, and Beck in order to send the messaging device a message notification, which may include sending a network address (column 6 lines 21-29).

### *Conclusion*

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Brandt whose telephone number is (571) 270-1098. The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.



Christopher M. Brandt

C.M.B./cmb

August 21, 2007



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**